No. ____ 05-626 SEP 10 2005

OFFICE OF THE CLERK

In The Supreme Court of the United States

LAWRENCE MATTISON,

Petitioner,

v.

THE SUPREME COURT OF VIRGINIA,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF VIRGINIA

PETITION FOR WRIT OF CERTIORARI WITH APPENDIX

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QUESTIONS PRESENTED

1.) Whether the Double Jeopardy clause of the Fifth Amendment to the Constitution is applicable in a case when all evidence was used and dismissed in a former case then re-written and re-used to convict in a later case for stalking; in-where there is presumption that the feelings of fear are suppose to be genuine.

2.) Whether the doctrines of Res Judicata v. collateral estoppel, imbedded within the double jeopardy clause of the Fourteenth Amendment to the U.S. Const. Apply in a criminal case.

3.) Whether the Due Process clause of the Fourteenth Amendment to the U.S. Const. is applicable in a case when Sufficiency of Evidence, Conflicting Written Statements, False Statements, subsequent to a not guilty plea and the prosecution has presented no evidence of guilt, that is, on no-evidence that the accused committed a crime and allowing conviction to stand.

4.) Whether the Virginia Supreme Court violated these Constitutional provisions by accepting the false statements of the Commonwealth Attorney and the Virginia Court of Appeals by allowing conviction to stand.

5.) Whether the Virginia Supreme Court Violated the U.S. Constitutional provision of Due Process by denying the state's 'ends of justice' provision imbedded within the Due Process clause of the Fourteenth Amendment by allowing conviction to stand.

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No. _____

IN THE
SUPRME COURT OF THE UNITED STATES
October Term 2005

Lawrence Mattison,

Petitioner

v.

The Supreme Court of Virginia,

Respondent

PETITION FOR WRIT OF CERTIORARI

Lawrence Mattison, pro se, petitions for a Writ of Certiorari to review the decision of the Virginia Supreme Court affirming the conviction

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OPINIONS BELOW

The judgments of the Court of Appeals and the order of the Supreme Court of Virginia appear in the attached appendix. **(Appendix-1a, 13a)**

JURISDICTION

This Petition to the Supreme Court of the United States will be timely filed if filed NLT December 14, 2005 based on an approved 60-day extension.

The jurisdiction of this Court invoked pursuant to 28 U.S.C. § 1254 and rule 10 of the Rules of the Supreme Court of the U.S.A.

CONSTITUTIONAL PROVISIONS, STATUTES, RULES AND REGULATIONS INVOLVED

Double jeopardy clause of the Fifth Amendment of the U.S. Const.

a) Res Judicata v. collateral estoppel imbedded within the double jeopardy clause of the Fifth & Fourteenth Amendments of the U.S. Const.

Due Process clause of the Fourteenth Amendment of the U.S. Const.

a) no-evidence v. insufficient evidence standard imbedded within the Due Process clause of the Fourteenth Amendment of the U.S. Const.

b) Conflicting, false or fraudulent statements imbedded within the due process clause of the Fourteenth Amendment of the U.S. Const.

c) Virginia supreme court rule 5A:18 ... in part deals with the 'ends of justice' exception, imbedded within the due process clause of the Fourteenth Amendment.

Virginia code 18.2-60-3; Stalking

STATEMENT OF THE CASE

Lawrence Mattison a resident of the state of Virginia, a defendant in the State Courts, a pro se litigant in the State Circuit Court and there after, and directly involved in a friendship with the initial complainant of this case (Barbara Bryson) represents to the Justices of the U.S. Supreme Court the following:

The facts and chronology are in dispute, this is a case-within-a-case, the State's whole process is a revenge for a civil suit. In the trial Court (Circuit Court of Hampton, Va.) defendant did not testify. Lawrence Mattison; defendant, (here after referred to in the personal pronoun as "I" or "Me") and Barbara Bryson; complainant, (here after referred to as "Barbara") had a relationship, the relationship broke off in September 2002 because of a broken confidence.

I kept sending emails, gifts and phone calls even after requests not to all the way into February 2003, Barbara went to a Magistrate, wrote under oath in front of a Magistrate in February 2003 the issues she represented in def exhibit 1, **appendix-27a**

Barbara asked for Stalking but, based on her conversation with the Magistrate, she accepted a charge of Annoying Phone Calls in violation of Va. Code 18.2-429 trial was set for March 13, 2003 **appendix-25a.** Barbara, on her own feelings, after two additional emails, requested to a court by phone on March 12, 2003 to dismiss the case because she had not been bothered, **appendix-24a** that the case was dismissed by a Judge in the District Court in Hampton on March 13, 2003, **appendix-26a**

On March 21, 2003, I sued Barbara in civil Court for Abuse of Process (amended bill of Particulars) Barbara retained an Attorney and restated her claim calling it fear of death or sexual assault using ALL the previous emails, phone calls, gifts and a being-outside-her-house sighting while making call to her home and was awarded a charge of Stalking in violation of Va. code 18.2-60.3, **appendix-23a, 21a.**

On April 2, 2003. After a plea of "not guilty" I was tried and convicted in the district court of Hampton, Virginia for stalking **appendix-22a**. I appealed to the Circuit Court of Hampton Virginia and in a trial de novo, even though a Judge was alerted that all contacts stopped before the civil suit and all evidence had been used previously I was convicted, then denied reconsideration by written motion, which is allowable, **appendix-10a, 14a.**

A misstated Statement of Fact by the Commonwealth Attorney was objected to in writing, that Statement of Fact was signed by Judge Christopher Hutton even though it was inconsistent with the record

and testimony in the Circuit Court, **appendix-16a thru 20a**

I timely appealed the conviction, pro se, to the Court of Appeals of Virginia, that Court added further misstatements to the chronology inconsistent with the prosecuting Attorney's written statement and the record **appendix-2a thru 9a**. I timely petitioned for Appeal to the Supreme Court of Virginia and the conviction was affirmed without Analysis, opinion, or rulings on Constitutional / legal issues, rules of the court, no-evidence, insufficient evidence, Constitutional rights of Due Process (fraud, conflicting statements, false statements, the 'ends of justice exception), Double Jeopardy and Res Judicata.

These issues were raised in trial, indirectly and directly in a Motion for Reconsideration to the Circuit Court and a Petition for Appeal to the Virginia Court of Appeals and the Supreme Court of Virginia, all of which make this petition reviewable on Writ of Certiorari.

The only dissent in this issue was Barbara M. Keenan; Justice.

SUMMARY OF THE ARGUMENT

In a conviction for a criminal offense the State of Virginia has invoked a position that this Court has never accepted; a denial of individual rights guaranteed by the Constitution of this Country, and in some respects the State of Virginia has turned their backs on, for reasons I do not know, their own

decisions and prior court rulings. The State of Virginia's denial measured with reference to past cases, to the record in this issue, to their own definition of Stalking, and the U.S. Constitution, is not clear within the laws or anything; other than the ill-defined nature of the State Court to put a "Black mark" on it's male citizens and in turn protect lower court Judges, Commonwealth Attorneys and a the very sacred "ol' boy network" that's still alive in this court system.

Virginia Courts' actions in this case illustrates why it would be an extraordinary departure from the double jeopardy & due process clauses and rules-and-procedures of a court to not recognize how arbitrary and capricious the Virginia Court's conviction is. This is a case-within-a-case, the State's denial rests on made-up chronology, false statements, fabricated and unproffered Statements of Fact, and signatures of Judges and Court Clerks. Simply put...."I was Railroaded"

In a case for Stalking, Va. Code § 18.2-60.3, the Virginia Court has said, in part: Stalking ...ust contain three elements: Conduct, Fear of such conduct, and the intent or knowledge such conduct causes fear; and that contacts must occur on more than one occasion.... Applied and defined in Parker v. Commonwealth, 485 S.E.2d 150 (1997).

The burden of proof has, in these cases, rested on the Commonwealth:

(1) defendant must have engaged in multiple contacts..,

(2) proof the conduct caused fear of death or sexual assault...,

(3) proof the defendant intended to, or knew the conduct caused this fear.

In Parker, Va. High Court has applied another element.... An objective reasonable fear element was meant to protect a person who engage in non-life threatening conduct from surprise prosecution.... This is so the feelings-of-fear element by any complainant will be genuine. The issues raised were dismissed in a prior court action by Barbara herself. Barbara had cause to file the first charge based on issues presented on her written statement **appendix-27a** she accepted and dismissed that issue, based on that fact there was no cause of action to charge stalking, her second statement was surprise prosecution, **appendix-23a**.

In a case for Res Judicata v. collateral estoppel, imbedded in the Double Jeopardy clause of the U.S. Const., the Virginia Court has said, in part: ....it is sufficient that the status of the suit was such that the parties might have had there suit disposed of .... IF they had presented all there evidence.... Virginia has used these preclusive effects interchangeably: Highsmith v. Commonwealth, 489 S.E.2d 239, 243-44 (1997); Neff v. Commonwealth, 569 S.E.2d 72 (2002) Evidence presented to the court was based on the complainant's own feelings and were dismissed by that complainant, on request by that complainant.

In a case where the 'ends of justice exception' to Virginia's rule 5A-18: embedded within the due

process clause of the Fourteenth Amendment, Virginia Court has said, in part: .....the record must 'affirmatively' show a miscarriage of justice has occurred..... *Appellant must demonstrate he or she* was convicted for conduct that was not a criminal offense....

This exception 'should have' given Virginia Courts a reason to accept the Constitutional and moral arguments raised in a petition and give the court that reason to analyze legal / constitutional issues raised in the petition whether the issues were or were not raised during trial, the evidence suggest these issues were clear during and after trial.

In a case where perjury under Virginia code § 18-2.435 has been committed the Virginia Courts have ruled, in part: ...it is not necessary to prove which statement under oath was false....

In a case for Actual Fraud under Virginia code § 18.2-434, the key elements are weather misstatements were believed to the detriment of the defendant and weather the statements were made intentionally and knowingly.

In arraignment Judge Bonnie Jones asked me to speak, asking me what the emails meant, I started to speak but Frank Edgar (Barbara's attorney for the civil case) yelled over my voice "You were going to murder her, you were going to slaughter her!!" Judge Jones didn't say a word to Edgar. I stopped speaking, very shaken: dressed in an orange jumpsuit and handcuffs.

Prior to trial in the District Court I was offered an "Alford Plea"...that's a guilty plea so I rejected the deal, I did not find that out from my Attorney J.B. Thomas, he didn't help at all even though he was my attorney on Barbara's initial complaint. He was no more than a "puppet" for the Commonwealth.

In the District Court Judge Albert Patrick had more than a good idea what the case was about, this same Judge presided over a hearing for the civil suit, during that hearing Judge Patrick didn't ask me anything, he only said to Frank Edgar "Mr. Edgar how long will this trial take?" Edgar responded with a time limit a then stated "there's a lot of background here" Judge Patrick responded "Yeah, I know" after a moment we both left the court room. At trial the Judge's statements were "Don't help him Mr. Thomas" (my defense attorney) and at the end of trial " If you (referring to me) had not sued her she (Barbara) would have left this alone". This is the "ol'-boy network" I argue that the Virginia Courts knew this was a re-statement of a previous case. Prior to trial in the Circuit Court I was denied a Bill of Particulars **appendix-11a**, I had a right to know what evidence was being used for stalking.

In Circuit Court Judge Christopher Hutton closed off the court room, there were no other people allowed. The Judge listened as Barbara submitted no information consistent with stalking. The Judge even sighed a bit when he wasn't getting any information that would justify a conviction. Barbara's second written statement was not in the record in this court. Barbara was asked question by Myself and the

Commonwealth Attorney Karen Rucker. Commonwealth presented a case with the correct chronology: Barbara received unwanted emails, gifts, phone calls and saw me outside her house making phone calls; that Barbara took out a warrant, got a charge and dismissed the charge, then got sued. Upon cross of Barbara I reaffirmed that chronology by question-and-answer as I did with other witnesses. As I tried to submit emails written from Barbara-to-me Judge Hutton would not allow me to submit them.

I believe Judge Hutton had some "pre-conceived notion" or misinformation on what this trial was going to be about. At the second cross exam of Barbara Judge Hutton asked me what the significance of the emails were. I answered by telling the Judge how they were misinterpreted by Frank Edgar to have me arrested. Until that question by Judge Hutton there was no evidence presented by the Commonwealth Attorney Rucker, or Barbara that satisfy a conviction (This fact was left out of both Statements of Facts).... I didn't consider an open statement by a person representing himself as testimony, then have it used to convict without argument...but Judge Hutton did. Commonwealth Attorney submitted a Statement of Fact that did not proffer one statement, or question-an-answer. Judge Hutton took that one statement by me, of one email, and used it to convict.

On a Written Statement of Fact several months later Commonwealth Attorney rearranged the chronology in that Statement of Fact to seem as though that one email came AFTER Barbara's March 13, 2003 dismissal of her initial criminal complaint **appendix-**

28a, 19a (3rd para), Judge Hutton signed the Commonwealth's Statement of Fact as "fact" without argument, a few months prior Judge Hutton denied My Motion for Reconsideration even though chronology was pointed out and the email evidence, submitted by the Commonwealth, was consistent with that Motion for Reconsideration and the record, again this Is indication to me that the Virginia Courts knew or reasonably should have known this case was bogus.

In the Court of Appeals, where they are suppose to hear a case *de novo* when legal issues are raised, the Court rejected My petition for appeal which referenced chronology; plead insufficient evidence and double jeopardy, and the 'ends of justice' exception was requested. Barbara's second written statement did not transmit with the record, it 'should not' have been seen by the Appeals Court. Commonwealth Attorney submitted an Oppose Brief that was incompetent in fact, legal citations and inconsistent in chronology, the Appeals Court's *per curiam* opinion **appendix-4a, 5a, 6a** ADDED to the Commonwealths misstatements in order to satisfy the "...on more than one occasion...." element of the Virginia Stalking law.

The emails were; non-threatening, undefined, uncorroborated, letters between Me and Barbara. The emails are about reconciliation. Even if the assignments of error were not the proper ones, if my argument didn't appeal to the Courts, if the Courts didn't like the civil suit against Barbara, these are no reasons to manipulate the chronology and accept a lie to justify a verdict where no crime was committed.

The Virginia Court system made findings that where inconsistent with....everything. What the Virginia Courts did with this case is indication of a problem within the Virginia Court system... I argue that at this stage the Virginia Couyrts also had enough information to determine that my constitutional rights were violated.

In the Virginia Supreme Court I submitted emails between Me and Barbara that I was not allowed to submit in the lower courts. I also requested from the State's High Court a written Request for Information concerning memorandum opinion, or any contacts between the High Court and the Lower Courts and was ignored, and the conviction was affirmed.

ARGUMENT

I have three fundamental contentions I would hope to develop in this stage of my petition to the U.S. Supreme Court Court:

(1) That no State in this Country has within it's authority, under the Due Process clause of the fourteenth Amendment, to convict a person of a crime where there is no evidence.

> In Thompson v. Louisville, (1960) 362 U.S. 199, 4 Led 2d 654, 80 S. Ct. 624 and 80 ALR 2d 1355 the U.S. Supreme Court held that this was a conviction on no-evidence and the conviction was overturned.

In Virginia, the Va. Supreme Court rule 5A:18 has contained within it an 'ends of justice' exception that allows the high Court to overturn a verdict when the record 'affirmatively' shows a miscarriage of justice as defined in Mounce v. Commonwealth; Redman v. Commonwealth.

I argue that this provision is, in effect, part of the due process clause of the U.S. Constitutional guarantee when there is no evidence given to a court. In Thompson v. Louisville, 362 U.S. 199, 4 Led 2d 654, 80 S. Ct., 624 (1960), the United States Supreme Court held that a defendant's conviction was unconstitutional under the due process clause of the Fourteenth Amendment. The U.S. Supreme Court has also stated in Thompson, that when a prosecutor presents no evidence.... there is no evidence to convict.

I argue that the record and petition contained the required information that should have alerted the Court of Appeals and the Va. High Court that the emails, as read, contain NO threat to Barbara, that Barbara's written statement is proof there was no fears as required. by statue, that Barbara, after her request for dismissal, had no cause of action to re-write a stalking complaint:

(2) That no State in this Country has within it's authority, under the Due Process clause of the Fourteenth Amendment, to change or add to the information in any document in hopes to fit a crime or to submit false or fraudulent documents or information.

In Mooney v. Holohan, (1935) 294 U.S. 103, 79 L. Ed. 791, 55 S. Ct. 340 98 ALR 406, reh den 294 U.S. 732, 79 L. Ed. 1261, 55 S. Ct. 511

involving the validity, under the due process clause, of a state court conviction of a crime following a trial at which the state introduced perjured testimony, in which it was said that the due process requirement is not satisfied, as regards a prosecution for crime in a state court, by mere notice of a hearing," If a state has contrived a conviction " through the pretense of a trial which in truth is but used as a means of depriving a defendant of liberty" through a deliberate deception of court and jury by the presentation of testimony know to be perjured.

I argue that it's not in any Court's authority to allow a person re-stated their claim AFTER a civil suit, this change in the chronology of a record was in hopes that it would fit a crime.

Commonwealth Attorney misstated the send and copy dates on One email after trial in the circuit court and after a motion for reconsideration was filed. The Va. High Court looked-the-other-way in reference to my petition. Only a grossly negative person could have made-up the sinister meanings to the emails, the Appeals Court accepted a log of phone calls by date but not electronic emails; where dates are printed by a computer, the Appeals Court further made-up a chronology to fit the 'On more that one occasion' element of stalking and to get around double jeopardy. Both the prosecutors' and the Appeals Court's

statement and opinion were inconsistent with the record. For some reason the Va. High Court didn't see these as a 'miscarriage of justice'.... I argue that it was a violation of the Due Process Clause of the Fourteenth Amendment to the U.S. Constitution:

(3) The Double Jeopardy clause of the Fifth Amendment provides that no person shall be put in jeopardy twice for the same offence once an acquittal or dismissal has been reached in a prior court by a jury or judge is final.

> In Richardson v. United States, 468 U.S. 317, 104 S. Ct. 3081, 82 L. Ed. 2d 242, U.S. Dist. Col (1994) Justice William H. Rehnquist wrote for the majority sighting that a defendant could appeal the denial of the double jeopardy claim, the majority rejected the double jeopardy challenge by sighting "continuing jeopardy". The majority ruled that double jeopardy applies only if first or original jeopardy was "terminated".

I argue that in this case on petition there was a jeopardy-terminating event. I will also argue that the Va. Appellate Courts should have r iewed my insufficient evidence claim and res judicata claim.

> In 80 Va, L. Rev. 1379, 90 A.L.R. 3r 203 (1966 & supp 1993), Ashe v. Swenson, 397 U.S. 436, 445 (1970), 58 U. Cin L. Rev. 1, 1 (1989)
> Issue preclusion, where res judicata & Collateral estoppel are interchangeable, states that when an issue of fact or law has been litigated and determined by a valid and final judgment, and

> the determination is essential to the judgment, the determination is conclusive in a subsequent action between parties, whether on the same or a different claim.

Issue preclusion has been held by the U.S. Supreme Court to be rooted in the Fifth Amendment guarantee against Double Jeopardy.

I argue that in this case on petition, viewing the evidence in the true and proper chronology consistent with the record, this Court will understand that Constitutional violations occurred. Instead, the Va. Court system changed the chronology inconsistent with the record. The Commonwealth Attorney and the Appeals Court misstated the facts and those misstatements were believed by the Va. Supreme Court.

REASONS WHY WRIT SHOULD ISSUE

The reason the Writ should issue is that the order affirming the conviction of the petitioner is unconstitutional; a Writ of Certiorari issued by the U.S. Supreme Court is the sole remedy available to petitioner to obtain review of the conviction. Based on sufficiency of evidence double jeopardy and Virginia's 'ends of justice' exception: the language in the emails; the dates of the emails; the dismissal of a prior court action; the conflicting statements by a complainant; the misstatements in the Opinion verses the Statement of Fact; the conflicting statements of the Opinion verses the Statement of Fact, and the conduct of the Courts,

ALL in record 042417 held in the Virginia Supreme Court, this conviction is unconstitutional.

FOR THESE REASONS, petitioner requests that the U.S. Supreme Court allow this Writ to issue and offer such other and further relief as the court may deem proper.

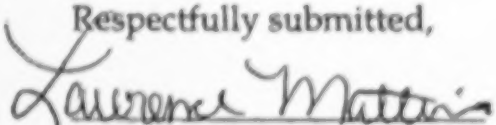
CONCLUSION

I am left with a feeling that Virginia Courts believe they can do whatever they want, that when persons represent themselves the Court can change things in statements that would suit their need. If it was just my word against theirs...that's one thing, but in this case My word AND the Record corroborate each other.

This feeling is also justified based on the 'no response' to a request for information where I asked the Va. high Court if they had any communication with the Va. lower Courts.

What remains is: the Va. Courts altered the chronology, inconsistent with facts in the record, to fit a crime to justify a conviction.

Respectfully submitted,



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APPENDIX

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VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Friday *the* 18th *day of* March, 2005.

Lawrence Mattison, Appellant,

against Record No. 042417
Court of Appeals-
No. 3045-03-1

Commonwealth of Virginia, Appellee.

[ENTERED: March 18, 2005]

From the Court of Appeals of Virginia

Upon review of the record in this case and consideration of the argument submitted in support, of and in opposition to the granting of an appeal, the Court refuses the petition for appeal.

Justice Keenan took no part in the consideration of this case .

A Copy,

Teste:

Patricia L. Harrington, Clerk

By:

/s/
Deputy Clerk

VIRGINIA:

In the Court of Appeals of Virginia held on Friday *the* 4th *day of* June, 2004.

Lawrence Mattison, Appellant.

against Record No. 3045-03-1
Circuit Court
No. 650GR03000910-00.

Commonwealth of Virginia, Appellee.

From the Circuit Court of the City of Hampton

[ENTERED: June 4, 2004]

Per Curiam

This petition for appeal has been reviewed by a judge of this Court, to whom it was referred pursuant to Code § 17.1-407(C), and is denied for the following reasons:

I. The trial court convicted appellant of stalking Barbara Bryson in violation of Code § 18.2-60.3. On appeal, appellant contends the trial court erred in not applying the principles of *res judicata* to the stalking conviction. He argues that a previous annoying phone call charge was based upon his actions between December 2002 and February 2003. which was also the basis for the stalking conviction.

The doctrine of *res judicata* "'precludes relitigation of a claim or issue once a final determination on the merits has been reached by a court of competent jurisdiction.'" Neff v. Commonwealth, 39 Va. App. 13, 18, 569 S.E.2d 72, 75 (2002) (citation omitted).

In March 2002 appellant and Bryson met at a church group and were friends. Starting in August 2002, Bryson asked appellant to stop contacting her, but appellant continued to send her emails, letters, gifts and calling her on the telephone. On February 9, 2003, Bryson went to the magistrate and the magistrate issued a warrant for annoying phone calls and a court date was set. Since appellant had not contacted Bryson for approximately three weeks prior to the court date, she dropped the charge due to deadlines at work. In March 2003, appellant resumed sending emails to Bryson, which were more sexual in nature and stated that he was watching her house. In April 2003, appellant was charged with stalking Bryson based upon his behavior between December 2002 and April 2003. Since Bryson dropped the annoying phone call charge, there was never a final determination on the merits. Appellant's stalking conviction was not barred by the principle of *res judicata*.

II. Appellant contends the evidence was insufficient to prove that Bryson was placed in a reasonable fear. He appears to argue that no "inference" of fear can be drawn from his conduct or his emails.

"On appeal, 'we review the evidence in the light most favorable to the Commonwealth, granting to it all

reasonable inferences fairly deducible therefrom.'" Archer v. Commonwealth, 26 Va. App. 1, 11, 492 S.E.2d 826, 831 (1997) (citation omitted).

So viewed, the evidence proved appellant and Bryson met at a church group in March 2002. During a church Field trip in May 2002, appellant made sexual advances towards Bryson. Bryson left the church in the summer of 2002, and she asked appellant to stop contacting her. Bryson sent emails to appellant in August 2002, October 2002, December 2002, and in January 2003, telling appellant to leave her alone and to stop contacting her in any form, but appellant continued to send her emails. Appellant also mailed letters to her, telephoned her, sent gifts to her home and "staked out" her home. In February 2003, appellant telephoned Bryson's home and spoke to Timothy Wright, Bryson's friend. When Wright asked appellant to stop calling Bryson, appellant replied he would never stop and would continue even if the police were involved. Appellant also made crude sexual remarks about Bryson to Wright. Crystal Hall. Bryson's niece, was present when appellant called Bryson's home. Hall heard appellant state he was outside of Bryson's home, and when Hall looked outside, she saw appellant standing across from the home. On February 9, 2003, Bryson went to the magistrate, but the magistrate was only willing to issue a warrant for annoying phone calls. Appellant was served with the wan-ant and sent an email to Bryson regarding it. Appellant did not contact Bryson during the three weeks prior to the court date for the annoying phone call charge, and she dropped the charge due to deadlines at work. After Bryson dropped the charge, appellant sent letters to

Michael Haig, Bryson's boss, questioning Bryson's ability to attend court for the charge. Appellant also sent emails to Bryson during March 2003, which were more sexual in nature and stated that he was watching her house. Three of appellant's emails referred to a movie where a woman was killed during a violent sexual encounter. In April 2003, Bryson obtained a protective order against appellant. Bryson testified that appellant's behavior between December 2002 and April 2003 placed her in fear of bodily harm or criminal sexual assault. Approximately thirty emails he sent to Bryson, two letters he sent to Bryson and a log of his telephone calls to Bryson were admitted into evidence.

"The credibility of the witnesses and the weight accorded the evidence are matters solely for the fact finder who has the opportunity to see and hear that evidence as it is presented." Sandoval v. Commonwealth, 20 Va. App. 133, 138, 455 S.E.2d 730, 732 (1995).

"'Intent is a state of mind that maybe proved by an accused's acts or by his statements and that may be shown by circumstantial evidence.'" Wilson v. Commonwealth, 249 Va. 95, 101, 452 S.E.2d 669, 673-74 (1995) (citations omitted).

"'A person's conduct may be measured by its natural and probable consequences. The finder of fact may infer that a person intends She natural and probable consequences of his acts,'" Woolfolk v. Commonwealth, 18 Va. App. 840, 845, 447 S.E.2d 530, 532 (1994) (citation omitted).

"The judgment of a trial court sitting without a jury is entitled to the same weight as a jury verdict, and will not be disturbed on appeal unless plainly wrong or without evidence to support it." Beck v. Commonwealth, 2 Va. App. 170, 172, 342 S.E.2d 642, 643 (1986).

There was sufficient evidence to support the trial judge's verdict that appellant intended to place Bryson in fear of death, criminal sexual assault, or bodily injury. Bryson testified that appellant's behavior between December 2002 and April 2003 placed her in fear of bodily harm or criminal sexual assault. Bryson asked appellant to stop contacting her several limes; however, appellant continued to call her, to watch her home and to send her emails. Appellant also contacted Bryson's employer and made crude sexual remarks to: her friend after being asked not to contact Bryson. In March 2003, appellant sent Bryson three emails that referred to a movie where a woman was killed during a violent sexual encounter. The trial judge heard the testimony of the witnesses and observed their demeanor, At the conclusion of the evidence the trial judge necessarily determined that Bryson's testimony was credible and, based upon appellant's actions, he intended to place her in fear of death, criminal sexual assault, or bodily injury. The Commonwealth's evidence was competent, was not inherently incredible, and was sufficient to prove beyond a reasonable doubt that appellant was guilty of stalking in violation of Code § 18.2-60.3.

III. Appellant contends that the evidence of his emails was insufficient to prove knowledge or intent as

required under Code § 18.2-60.3. He appears to argue that there has never been a stalking conviction based solely upon email evidence and that his emails to Bryson showed love, affection and caring. Appellant concedes he never presented this argument to the trial court and invokes the ends of justice exception to Rule 5A: 18.

"[T]he ends of justice exception is narrow and is to be used sparingly. . . .'" Brown v. Commonwealth, 8 Va. App. 126, 132, 380 S.E.2d 8, 11 (1989). "In order to avail oneself of the [ends of justice] exception, a defendant must affirmatively show that a miscarriage of justice has occurred, not that a miscarriage might have occurred." Redman v. Commonwealth, 25 Va. App. 215, 221, 487 S.E.2d 269, 272 (1997). "In order to show that a miscarriage of justice has occurred . . . the appellant must demonstrate that he or she was convicted for conduct that was not a criminal offense or the record must affirmatively prove that an element of the offense did not occur." Id. at 221-22, 487 S.E.2d at 272-73.

A review of the record shows that the conviction was based not only on appellant's emails to Bryson, but also based upon his letters, his telephone calls, his gifts and standing outside Bryson's home. Furthermore, three of his emails referred to a movie where a woman was killed during a violent sexual encounter. Appellant has failed to demonstrate that a miscarriage of justice has occurred to permit the invocation of the ends of justice exception of Rule 5A:18.

In the Assignments of Error and the Argument sections of his petition for appeal, appellant contends that his right to a fair trial was prejudiced; however, he failed to present this contention in the Questions Presented section of his petition for appeal. He appears to argue that Bryson's attorney initiated the stalking charge, that post-it notes and other written alterations on some of the emails prejudiced his rights, that his attorney was ineffective, that the Commonwealth's attorney misstated the evidence and that the trial judge erred in signing the Commonwealth's Statement of Facts.

Rule 5A:12(c) specifically provides that "[o]nly questions presented in the petition for appeal will be noticed by the Court of Appeals." Since appellant failed to include this issue in the questions he presented on appeal, this Court will not consider the issue.

This order is final for purposes of appeal unless, within fourteen days from the date of this order, there are further proceedings pursuant to Code § 17.1-407(D) and Rule 5A:15(a). If appellant files a demand for consideration by a three-judge panel, the demand should include a statement, not to exceed one typewritten page, identifying how this order is in error.

This Court's records reflect that appellant is proceeding *pro se* in this matter.

A Copy,

Teste:

Cynthia L. McCoy, Clerk

By:

/s/
Deputy Clerk

VIRGINIA, **[ENTERED: October 20, 2003]**

IN THE CIRCUIT COURT OF HAMPTON CIRCUIT COURT - CRIMINAL,

TRIAL DATE: 10-30-03

MISDEMEANOR TRIAL ORDER

NAME: MATTISON, LAWRENCE CASE NO.: 650CR03000910-00

SEX: M RACE: B DOB: 09/03/1960 SSN: 363-76-1121

ADDRESS: 34-1A TWIN LAKES CIR HAMPTON VA 23666

DEFENSE ATTORNEY: ~~[illegible]~~ waived ATTY TYPE: ~~RETAINED~~

CHARGE: STALKING OFFENSE DATE: 12/01/2002

CODE SECTION: 18.2-60.3 (X) S.C. ( ) C.C.

PLEA: (✓ NOT GUILTY ( ) JURY WAIVED
( ) GUILTY TO AMENDED WARRANT ( ) GUILTY AS CHARGED

CHARGE: Stalking

CODE SECTION: 18.2-60.3 (✓ S.C. ( ) C.C.

FINDING: (✓ GUILTY ( ) WARRANT DISMISSED/NOLLE PROSEQUI
( ) NOT GUILTY (ACQUITTED) ( ) APPEAL/WITHDRAWN/AFFIRM
( ) GUILTY OF LESSOR OFFENSE

CHARGE Stalking CODE 18.2-60.3

SENTENCE: (✓ 12 HOURS/DAYS/WEEKENDS/(MONTHS) JAIL

( ) REPORT TO JAIL _____

(✓ JAIL SUSPENDED, ON 5 MOS/(YRS) GOOD BEHAVIOR

( ) DRIVER'S LICENSE SUSPENDED _____ DAYS/MONTHS

( ) FINE $ _____

(✓ COSTS $ 134.00

( ) C/A ATTORNEY $ _____

(✓ TOTAL $ 134.00

(✓ ALLOWED UNTIL 11-30-03 TO PAY FINE/COSTS

no contact whatsoever w/ Barbara Bryson and all witnesses that testified in trial

JUDGE

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF HAMPTON

DATE: October 14, 2003

JUDGE: Louis R. Leraer

COMMONWEALTH OF VIRGINIA

vs. CASE NO.: 03-910-00

LAWRENCE MATTISON, DEFENDANT

OFFENSE	CODE SECTION	OFFENSE DATE
Stalking(F)	18.2-60.3	12-1-02

[ENTERED: October 14, 2003]

CRIMINAL ORDER

Attorney for the Commonwealth : Karen Rucker

Court Reporter : Virginia Giles

On the motion of the defendant requesting a Bill of Particulars, the Court doth deny the motion and notes the defendant's exception to the ruling of the Court.

/S/LOUIS R. LERNER
JUDGE

Clerk:npj

Copy Teste

s/s
Clerk

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Friday *the* 17th *day of* June, 2005.

Lawrence Mattison, Appellant,

against Record No. 042417
Court of Appeals
No. 3045-03-1

Commonwealth of Virginia, Appellee.

[ENTERED: June 17, 2005]

Upon a Petition for Rehearing

On consideration of the petition of the appellant to set aside the judgment rendered herein on the 18th day of March, 2005 and grant a rehearing thereof, the prayer of the said petition is denied.

Justice Keenan took no part in the consideration of this case.

A Copy,

Teste:

Patricia L. Harrington, Clerk

By:

/s/
Deputy Clerk

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF HAMPTON

DATE: November 26, 2003

JUDGE: Christopher W. Hutton

COMMONWEALTH OF VIRGINIA

vs. CASE NO.: 03-910-00

LAWRENCE MATTISON, DEFENDANT

OFFENSE	CODE SECTION	OFFENSE DATE
Stalking(M)	18.2-60.3	12-1-02

[ENTERED: November 26, 2003]

CRIMINAL ORDER

It appearing to the Court that the defendant, has filed a written motion for consideration of the judgment rendered on October 30. 2003, on numerous grounds slated herein.

The Court upon consideration of the motion doth find no sufficient reason for the requested reconsideration and doth deny said motion of the defendant, and notes the defendant's exception to the ruling of the Court.

S/CHRISTOPHER W. HUTTON
JUDGE

Clerk:mlw

Copy Teste;

/s/
Clerk

Office of the Commonwealth's Attorney
Hampton, Virginia

236 NORTH KING STREET
COMMONWEALTH ATTORNEY

TELEPHONE 757-727-6442
FAX 757-727-6802

LINDA D. CURTIS
COMMONWEALTH
ATTORNEY

KAREN A. RUCKER
SENIOR ASSISTANT

JOHN F. HAUGH
CHIEF DEPUTY

JAMES B. GOCHENOUR
ROMEO G. LUMABAN
JANE E. SHERMAN
DEPUTIES

SHAVAUGHN N. BANKS
ANTON A. BELL
ERIN L. DUGAN
MARA L. KANE
JAMES FRANICS MCKENZE
JILL M. RYAN
MADELINE H. STARK
NOAH WEISBERG
ASSISTANTS

December 1, 2003

James Bohnaker, Clerk
Circuit Court of the City of Hampton
PO Box 40
Hampton VA 23669

RE: Commonwealth v, Lawrence Mattison, Circuit Court Part I Criminal Docket Mo.

Dear Mr. Bohnaker:

Please file the attached Statement of Facts with the above-referenced case for the court's review. A copy of this Statement has been mailed to the defendant/petitioner-Thank you for your assistance in this matter.

Sincerely,

/s/
Karen A, Pucker
Assistant Commonwealth's
Attorney

Attachment

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF HAMPTON, PART I

LAWRENCE MATTISON,
Petitioner

Case No.

v.

COMMONWEALTH OF VIRGINIA,
Respondent.

STATEMENT OF FACTS

Lawrence Mattison and Barbara Bryson met in March 2002 through the Single's Ministry at the Mormon Church on Todd's Lane in Hampton. During

a field trip to Washington D.C. in Hay 2002, Mattison made inappropriate sexual advances towards Ms. Bryson when they were alone, so Ms. Bryson chose to end their friendship. Bryson left the church that summer (July 2002-August 2002) and asked Mattison to stop contacting her. She sent him emails in August 2002, October 2002, December 2002, and two in January 2003 telling Mattison to leave her alone and to stop contacting her in any form or she would contact the police. Copies of these emails were filed with the trial court as Commonwealth's exhibits.

Mattison continued to send Bryson emails, to mail her letters, to telephone her home, to send gifts and food to her home, and to "stake out" her home, leaving her email messages and phone messages letting her know that he'd been watching her and her home. Mattison was also sending emails to her job. Approximately 30 emails, a telephone log of phone calls, and copies of two letters sent by Mattison were all filed with the court as Commonwealth's exhibits.

In February 2003, Mattison spoke with a male friend of Bryson's, Timothy Wright, over the telephone one day after Mattison would not stop calling Bryson. When Wright asked Mattison to stop calling Ms. Bryson, Mattison said he would never stop and would continue even if the police were involved. Mattison also made crude sexual remarks about Bryson to Wright. Crystal Hall, Bryson's niece, was present at Bryson's home when Mattison would not stop calling. Hall heard Mattison say that he was outside of Bryson's home, and Hall looked outside and saw Mattison standing across from the home. Mattison was

still standing outside the home when Hall left the residence.

In March 2003, Bryson went to the magistrate and told him what was going on; the magistrate was only willing to issue an annoying phone calls warrant, and Mettison was served with this. Mattison became very angry about this, which was evident by the angry emails he sent regarding this. Three weeks prior to the court date for that charge, Mattison had not contacted Bryson, and Bryson was facing deadlines at work, so Bryson dropped the annoying phone calls charge against Mattison.

Mattison then began sending letters to Bryson's boss, Michael Haig, questioning Bryson's availability to come to court for the annoying phone calls charge. Mattison also brought a civil suit against Bryson to recover his attorney's fees that he spent for that charge. His suit was dismissed.

Mattison continued to send emails, etc. to Bryson through the end of March 2003, and they began to become more sexual in nature, describing her as woman involved in sexual relations with numerous men, and Mattison said he "just wanted to be on her list" of men. Mattison also made reference to a movie about such a woman who was violently killed during a sexual encounter - "booking For Mr, Goodbar", saying that the movie reminded him of their relationship. Mattison also sent emails about sexual fantasy/dreams he had about Bryson.

In April 2003, the General District Court for the City of Hampton entered a civil protective order ordering Mattison to have no contact with Bryson, Hall, Wright, or Bryson's employer Haig.

Bryson testified that Mattison's behavior during this period ot time from December 2002 through April 2003 placed Bryson in fear of bodily harm or criminal sexual assault, and that she wanted Mattison to leave her alone.

CERTIFICATE

I certify that I mailed a true copy of this Statement of Facts to Defendant/ Petitioner Lawrence Mattison at 34-1A Twin Lakes Circle, Hampton VA 23666 on this 1st day of December, 2003.

/s/
Karen A, Pucker
Assistant Commonwealth's
Attorney
236 North Kings Street
Hampton VA 23669

REQUEST FOR CONTINUANCE

GRANTED _____
DENIED _____

RE: Bryson, Barbara
(COMP/OFFICER)
VS:
Mathison, Lawrence
(DEFENDANT)

COURTROOM (CIRCLE ONE) TIME

A B C D 8:30 9:30 10:00 11:00 1:00

TRIAL DATE 3-13-03

DOCKET # CU34288

REQUEST MADE BY: (CIRCLE ONE) DEF. COMPL. ATTY. WITNESS

ATTY FOR DEF. _____ ATTY FOR COMPL. _____

PHONE # IF ATTY NOT LOCAL _____ OTHER _____

NEW DATES REQUESTED BY ATTORNEY _____

REASON FOR REQUEST: IF HOSPITAL IF FUNERAL

D states she can not take Th work, and her witnesses can not be here.

NAME OF HOSPITAL RELATIONSHIP

DATES OF CONFINEMENT DATE OF FUNERAL

* Def has not Bonded hi. Since - Does not

(MUST BRING PROOF OF HOSPITAL/FUNERAL TO COURT ADVISED YES NO

WITNESSES INVOLVED: *YES NO

* ATTORNEY MAKING REQUEST, THEY MUST NOTIFY WITNESSES.

* IF DEFENDANT/COMPLAINANT MAKING REQUEST--CANNOT TAKE REQUEST. MUST BE DONE IN COURT, UNLESS HOSPITAL CONFINEMENT OR FUNERAL.

I HAVE ADVISED DEFENDANT/COMPLAINANT THAT ONLY THE JUDGE CAN GRANT A CONTINUANCE AND THE POSSIBILITY OF A WARRANT BEING ISSUED OR BEING TRIED IN THEIR ABSENCE.

I HAVE ADVISED REQUESTING PARTY TO CALL BACK AND CHECK NEW DATE--- THEIR RESPONSIBILITY---NOT THE COURTS.

3-12-03 8:45 D Smith
DATE TIME DEPUTY CLERK

form nc. 9 02/97

I CERTIFY THAT THIS DOCUMENT, TO WHICH THIS AUTHENTICATION IS AFFIXED, IS A TRUE COPY OF A RECORD IN THE HAMPTON GENERAL DISTRICT COURT, THAT I HAVE CUSTODY OF THE RECORD, AND THAT I AM THE CUSTODIAN OF THAT RECORD.

Date CLERK/DEPUTY CLERK

ANT ~ ARREST–MISDEMEANOR (STATE)

Criminal B
CITY OR COUNTY

General District Court [X] Criminal [ ] Traffic

[ ] Juvenile and Domestic Relations District Court

ANY AUTHORIZED OFFICER:

You are hereby commanded in the name of the Commonwealth of Virginia forthwith to arrest and [bri]ng the Accused before this Court to answer the charge that the Accused, within this city or county, on or about 12/01/2002 to 04/01/2003 DATE did unlawfully in violation of Section 18.2-60.3, Code of Virginia

[on] more than one occasion engage in conduct directed at BARBARA JEAN [B]RYSON with the intent to place, or when the accused knew or reasonably should [ha]ve known that the conduct placed, such person in reasonable fear of death, criminal [s]exual assault, or bodily injury to that person or to that person's family or household [m]ember.

case # 03-0402-0P7

[I,] the undersigned, have found probable cause to believe that the Accused committed the offense [c]harged, based on the sworn statements of

BRYSON, BARABRA JEAN , Complainant.

Execution by summons [ ] permitted at officer's discretion [X] not permitted

04/02/2003 09:25 AM
DATE AND TIME ISSUED

Thomas P. Chisman, Jr., Magistrate
CLERK MAGISTRATE JUDGE

SUMMONS (If authorized above and by serving officer)

You are hereby commanded to appear before this court located at

on at AM/PM

I promise to appear in accordance with this Summons and certify that my mailing address as shown at right is correct. CCRE May be Required

ACCUSED

STALKING

WARNING TO ACCUSED: You may be tried and convicted in your absence if you fail to appear in response to this Summons. Willful failure to appear is a separate offense.
SIGNING THIS NOTICE DOES NOT CONSTITUTE AN ADMISSION OF GUILT.

CASE NO. GC03 009248

ACCUSED:
MATTISON, LAWRENCE
LAST NAME, FIRST NAME, MIDDLE NAME
34-1A TWIN LAKES CIRCLE
ADDRESS/LOCATION
HAMPTON, VA. 23666

To be completed upon service as Summons
Mailing address [ ] Same as above

[ ]

COMPLETE DATA BELOW IF KNOWN

RACE	SEX	MO	DAY	YR	FT	IN	WGT	EYES	HAIR
B	M	9	3	60	6	01	200	BR	BLK

SSN 363-76-1121

Commonwealth of Virginia

WARRANT OF ARREST

CLASS 1 MISDEMEANOR

[X] EXECUTED by arresting the Accused named above on this day:
[ ] EXECUTED by summoning the Accused named above on this day:
[ ] For legal entities other than individuals, service pursuant to Va. Code § 19.2-76.

4/2/03 1055
DATE AND TIME OF SERVICE

B. Burris
ARRESTING OFFICER

564 HPD VA 1110000
BADGE NO., AGENCY AND JURISDICTION

for SHERIFF

Attorney for the Accused:
5/1/03
[signature], pd

HEARING DATE AND TIME

[illegible] 8:30
B
4/3/03
8:30 am
[illegible]

Apeo

4-17-03 8:30 am
Apes
4/24/03 8:30 am
Apes
5/1/03 8:30
7/11/03 10:00
8/8/03
10 am B
per A

War/Sum
652GC-HM10314835

S1255 5C

21a

The Accused was this day:

[ ]* tried in absence

[X] present

Rucker

[ ] PROSECUTING ATTORNEY PRESENT (NAME)

Thomas

[ ] DEFENDANT'S ATTORNEY PRESENT (NAME)

[ ] NO ATTORNEY

[ ] ATTORNEY WAIVED

[ ] If convicted, no jail sentence will be imposed

[ ] Translator/Interpreter present:

NAME

Plea of Accused:

[X] not guilty [ ] witnesses sworn

[ ] nolo contendere

[ ] guilty

[ ] Plea Bargain [ ] Plea and Recommendation

And was TRIED and FOUND by me:

[ ] not guilty

[X] guilty as charged

[ ] guilty of

[X] facts sufficient to find guilt but defer adjudication/disposition and place accused on probation, §§ 4.1-305, 18.2-57.3, 18.2-251 or 19.2-303.2. Costs imposed upon defendant

And was FOUND by me to be:

[ ] driving a commercial motor vehicle

[ ] carrying hazardous materials

[ ] I ORDER a nolle prosequi on prosecution's motion. appealed 8-21-03

[ ] I ORDER the charge dismissed Cont. Bond

[ ] conditioned upon payment of costs (accord and satisfaction), § 19.2-151

[ ] conditioned upon payment of costs and successful completion of traffic school § 16.1-69.48:1

[ ] under §§ 4.1-305, 18.2-57.3, 18.2-251 or 19.2-303.2.

8/18/03

DATE

I impose the following Sentence:

[X] FINE [ ] CIVIL PENALTY of $ costs

with $ suspended

[X] JAIL sentence of 10 days imposed

with all suspended conditioned upon being of good behavior and keeping the peace, and paying fines and costs. Pursuant to § 53.1-187, credit is granted for pre-trial detention.

[ ] Serve jail sentence beginning

[ ] on weekends only

[ ] Work release [ ] authorized if eligible [ ] required

[ ] Work release not authorized

[X] on PROBATION for 1 yr.

[ ] VASAP [ ] local community-based probation program

[ ] DRIVER'S LICENSE suspended

[ ] Restricted Driver's License per attached order

[ ] Ignition Interlock for

[ ] RESTITUTION of $

due by payable to

with interest thereon from

[ ] as condition of suspended sentence

[ ] hours of community service to be performed for

[ ] to be credited against fines and costs

[ ] Contact prohibited between defendant and victim/victim's family or household members

[X] Other: D is not to be on Threadgot Rd under any circumstances w/o police escort or force & effect

[ ] Bail on Appeal $

[ ] Remanded for CCRE report

DRIVER'S LICENSE/PRIVILEGE TO DRIVE IN VIRGINIA SUSPENDED EFFECTIVE IN 30 DAYS IF FINES, COSTS, FORFEITURES, PENALTIES OR RESTITUTION ARE NOT PAID. Va. Code § 46.2-395

JUDGE

FINE		$
COSTS		
112 / 140 / 143	PROCESSING FEE	
107 DOAF		
113 WITNESS FEE		
113 SENTENCE FEE		
113 DRUG ANALYSIS FEE		
113 IGNITION INTERLOCK		
113		
120 CT. APPT. ATTY		
121 T.I.A. FEE		
125 WEIGHING FEE		
132 CICF		
133 BLOOD TEST FEE		
137 TTF		
229 CHMF		
234 JAF		
244 CHSF		5 W
245 NON-CONSEC. JAIL FEE		
OTHER (SPECIFY)	[illegible]	59
TOTAL		$ 64 —

FORM DC-314 (REVERSE) 7/02

22a

CRIMINAL COMPLAINT
Commonwealth of Virginia

RULES 3A:3 AND 7C:3

Print ALL information clearly:

Hampton
CITY OR COUNTY

☒ General District Court
☐ Juvenile and Domestic Relations District Court

Under penalty of perjury, I, the undersigned Complainant swear or affirm that I have reason to believe that the Accused committed a criminal offense, on or about

Dec '02 - April '03 in the ☒ City ☐ County ☐ Town
DATE OFFENSE OCCURRED

of Hampton

I base my belief on the following facts:

Mr. Morrison has repeatedly followed me, approached my home by vehicle, and on foot, delivered unwanted gifts, and other acts that cause me to fear for my personal safety. Based on the repitition and contents of the communications of Mr. Morrison, I fear for my life and the safety of other members of my household. I also fear Mr. Morrison may sexually Assault me.

The statements above are true and accurate to the best of my knowledge and belief.

In making this complaint, I have read and fully understand the following:

- By swearing to these facts, I agree to appear in court and testify if a warrant or summons is issued.
- The charge in this warrant cannot be dismissed except by the court, even at my request.

Beyson Barbara Jean
NAME OF COMPLAINANT (LAST, FIRST, MIDDLE) (PRINT CLEARLY)

Barbara J Beyson
SIGNATURE OF COMPLAINANT

Subscribed and sworn to before me this day.

4/1/03 - 9:12 AM
DATE AND TIME

R. P. Allen
CLERK, MAGISTRATE, JUDGE

DC-311 10/97 PC (11-6-010-503)

Case # 03-0402-007

CRIMINAL COMPLAINT

ACCUSED: Name, Description, Address/Location

Mattison, Larry (Lawrence)
LAST NAME, FIRST NAME, MIDDLE NAME

34-1A Twin Lakes Circle

Hampton, VA 23666

COMPLETE DATA BELOW IF KNOWN

RACE	SEX								
B	M				6	i	200	Brn	Bald

I HEREBY CERTIFY THAT THE DOCUMENT TO WHICH THIS AUTHENTICATION IS A PART IS A TRUE COPY OF A RECORD IN THE [illegible] GENERAL DISTRICT COURT, THAT I HAVE JUSTODY OF THE RECORD, AND THAT I AM THE CUSTODIAN OF THAT RECORD.

3-15-05
DATE

Jeanne Gilday
CLERK/DEPUTY CLERK

23a

Subj: Movie
Dale: 1/18/2003 2:12:54 PM Eastern Standard Time
From: larry mattison <la5matt@yahoo.com>
To: brysonbj@aol.com
Sent from the Internet (Details)

Hi Barb

There's a movie that Describes OUR situation. Its called....

LOOKING FOR MR. GOODBAR. It's a seventies flick but a VERY interesting one I might say. I don't remember how it went but the title says it all....***want it???***

Take care

Criminal [illegible]

CITY OR COUNTY

☒ General District Court
236 North King Street Hampton, VA 23669-0070

STREET ADDRESS OF COURT

☐ Juvenile and Domestic Relations District Court

STREET ADDRESS OF COURT

TO THE ACCUSED:
You are hereby commanded to appear before this Court on

DATE AND TIME OF HEARING to answer the charge that on or about 02/09/2003 DATE

within this ☐ Town of ☒ CITY ☐ COUNTY you did unlawfully

with or without the intent to communicate but with intent to annoy another person, causes a telephone or digital pager not owned by the accused to ring or to otherwise signal, or permit or condone the use of a telephone under the control of the accused for such purpose.

in violation of Section 18.2-429 ☒ Code of Virginia (OR)
☐ Ordinances of this City, County, or Town.

You must appear in court at the time and place shown above and to appear at all other times and places and before any court or judge to which this case may be rescheduled, continued, transferred or appealed.

WARNING TO THE ACCUSED: You may be tried and convicted in your absence if you fail to appear in response to this summons. Willful failure to appear is a separate offense.

I, the undersigned, have found probable cause to believe that the Accused committed the offense charged, based on the sworn statements of

BRYSON, BARBARA J. (Complainant)

02/10/2003 11:52 AM
DATE AND TIME ISSUED

HARRASSING PHONE CALLS

☐ CLERK ☐ MAGISTRATE ☐ JUDGE
Thomas P. Chasman, Jr., Magistrate

CASE NO. C03 004208

ACCUSED:
MATTISON, LAWRENCE
LAST NAME, FIRST NAME, MIDDLE NAME
34-1A TWIN LAKES CIRCLE
ADDRESS/LOCATION
HAMPTON, VA. 23666

44052

To be completed upon service
Mailing address ☐ Same as above

☐

RACE	SEX		DOB		HT		WT	EYES	HAIR
B	M	9	3	60	5	11	193 / 600	BR	BLD

SSN 363-76-1121

☐ Commonwealth of Virginia
☐ CITY ☐ COUNTY ☐ TOWN of

SUMMONS
CLASS ___ MISDEMEANOR

☒ EXECUTED by delivering a true copy of this summons to the Accused in person today.
☐ For legal entities other than individuals, service pursuant to Va. Code § 19.2-76.
☐ The Accused certified to me the above mailing address.

2/10/03 1810
DATE AND TIME OF SERVICE

J. BAER
SERVING OFFICER

768 HPD 1110000
BADGE NO., AGENCY AND JURISDICTION

PHONE

Attorney for the Accused: G. B. Thomas AK 2-20-03

HEARING DATE AND TIME
Chr-Thm 1:00PM
"B"
FEB 24
100PM
Jones Tales
3/13/03 1:00B
(T)

WAR/SUM
652GC-HM10312115

25a

[ ] tried in absence
[✓] present

[ ] PROSECUTING ATTORNEY PRESENT (NAME)

[ ] DEFENDANT'S ATTORNEY PRESENT (NAME)

[ ] NO ATTORNEY
[ ] ATTORNEY WAIVED
[ ] If convicted, no jail sentence will be imposed

[ ] Translator/Interpreter present:

NAME

Plea of Accused:

[ ] not guilty [ ] witnesses sworn
[ ] nolo contendere
[ ] guilty

[ ] Plea Bargain [ ] Plea and Recommendation
And was TRIED and FOUND by me:

[ ] not guilty
[ ] guilty as charged
[ ] guilty of
[ ] facts sufficient to find guilt but defer adjudication/disposition and place accused on probation, §§ 4.1-305, 18.2-57.3, 18.2-251 or 19.2-303.2. Costs imposed upon defendant.

And was FOUND by me to be:

[ ] driving a commercial motor vehicle
[ ] carrying hazardous materials

[ ] I ORDER a nolle prosequi on prosecution's motion

[✓] I ORDER the charge dismissed
[ ] conditioned upon payment of costs (accord and satisfaction), § 19.2-151
[ ] conditioned upon payment of costs and successful completion of traffic school § 16.1-69.48:1
[ ] under §§ 4.1-305, 18.2-57.3, 18.2-251 or 19.2-303.2.

3-13-03
DATE

[ ] FINE [ ] CIVIL PENALTY of $
with $ suspended

[ ] JAIL sentence of imposed with suspended conditioned upon being of good behavior and keeping the peace, and paying fines and costs. Pursuant to § 53.1-187, credit is granted for pre-trial detention.

[ ] Serve jail sentence beginning
[ ] on weekends only

[ ] Work release [ ] authorized if eligible [ ] required
[ ] Work release not authorized

[ ] on PROBATION for
[ ] VASAP [ ] local community-based probation program

[ ] DRIVER'S LICENSE suspended

[ ] Restricted Driver's License per attached order
[ ] Ignition Interlock for

[ ] RESTITUTION of $
due by payable to
with interest thereon from
[ ] as condition of suspended sentence

[ ] hours of community service to be performed for
[ ] to be credited against fines and costs

[ ] Contact prohibited between defendant and victim/victim's family or household members

[ ] Other:

[ ] Bail on Appeal $

[ ] Remanded for CCRE Report

DRIVER'S LICENSE/PRIVILEGE TO DRIVE IN VIRGINIA SUSPENDED EFFECTIVE IN 15 DAYS IF FINES, COSTS, FORFEITURES, PENALTIES OR RESTITUTION ARE NOT PAID. Va. Code § 46.2-395

CER
JUDGE

PENALTY $

COSTS

112 / 140 / 143	PROCESSING FEE	
107	DOAF	
113	WITNESS FEE	
113	SENTENCE FEE	
113	DRUG ANALYSIS FEE	
113	IGNITION INTERLOCK	
113		
120	CT. APPT. ATTY	
125	WEIGHING FEE	
133	BLOOD TEST FEE	
137	TIP	
223	LIQUIDATED DAMAGES	
229	CHMF	
234	JAI	
244	CHSF	
245	NON-CONSEC. JAIL FEE	
	OTHER (SPECIFY)	
	TOTAL	$

26a

I CERTIFY THAT THE DOCUMENT, TO WHICH THIS AUTHENTICATION IS AFFIXED, IS A TRUE COPY OF A RECORD IN THE HAMPTON GENERAL DISTRICT COURT, THAT I HAVE CUSTODY OF THE RECORD, AND THAT I AM THE CUSTODIAN OF THAT RECORD.

1-8-04
DATE

FORM DC-319 (REVERSE) 07

[illegible]IMINAL COMPLAINT

Commonwealth of Virginia

[illegible]

Print ALL information clearly

[X] General District Court

[ ] Juvenile and Domestic Relations District Court

Hampton
CITY OR COUNTY

Under penalty of perjury, I, the undersigned Complainant swear or affirm that I have reason to believe that the Accused committed a criminal offense, on or about

Feb 9, 2009
DATE OFFENSE OCCURRED

in the [X] City [ ] County [ ] Town

of Hampton

I base my belief on the following facts:

Leroy Harrison, a former client [illegible] has been asked repeatedly not to contact me in any way - both verbally and by email. His phone calls and emails have become more frequent & sexually explicit. The content of [illegible] at my home [illegible] I [illegible] made while standing in the street in front of my house [illegible] my [illegible]

The statements above are true and accurate to the best of my knowledge and belief.

In making this complaint, I have read and fully understand the following:

- By swearing to these facts, I agree to appear in court and testify if a warrant or summons is issued.
- The charge in this warrant cannot be dismissed except by the court, even at my request.

Bryant, [illegible], Jean
NAME OF COMPLAINANT (LAST, FIRST, MIDDLE)
(PRINT CLEARLY)

[signature]
SIGNATURE OF COMPLAINANT

Subscribed and sworn to before me this day

2/[illegible]/09 [illegible]
DATE AND TIME

[signature]
[ ] CLERK [X] MAGISTRATE [ ] JUDGE

[illegible]

CRIMINAL COMPLAINT

ACCUSED: Name, Description, Address/Location

Harrison, Lawrence
LAST NAME, FIRST NAME, MIDDLE NAME

34-1A Twin Lakes Circle

Hampton, VA [illegible]

COMPLETE DATA BELOW IF KNOWN

RACE	SEX	DOB MO	DAY	YR	HT FT	IN	WGT	EYES	HAIR
B	M				6			Br	Bald

SSN

I CERTIFY THAT THE DOCUMENT, TO WHICH THIS AUTHENTICATION IS AFFIXED, IS A TRUE COPY OF A RECORD IN THE HAMPTON GENERAL DISTRICT COURT, THAT I HAVE CUSTODY OF THE RECORD, AND THAT I AM THE CUSTODIAN OF THAT RECORD.

1-5-09
DATE

[signature]
CLERK/DEPUTY CLERK

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